

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 832 of 2013**

Shyam Sundar S/o Ghasiya, aged about 60 years, Caste – Satnami,
Occupation – Agriculture, R/o Village Jaitpur, P.S. Sarseevan Tahsil
Bilaigarh, District Balodabazar (C.G.) **---- Petitioner**

Versus

1. State of Chhattisgarh, through Secretary, Department of Revenue Mantralaya, New Raipur (C.G.)
 2. Collector Evam Ex Officio Deputy Secretary, Department of Revenue State of Chhattisgarh, District Balodabazar, Bhatapara (C.G.)
 3. Sub-Divisional Officer (S.D.O.) Revenue / Land Acquisition Officer, Biligarh, P.S. and Tahsil Bilaigarh, District Balodabazar, Bhatapara (C.G.)
 4. Deputy General Manager Indian Oil Corporation Limited Paradip- Raipur Ranchi Pipe Line project N-17 Sector – 2, Avanti Vihar, Raipur 492006 (C.G.)
- Respondents**

For Petitioner	:	Mr. S. N. Nande, Advocate.
For Respondents / State	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/08/18**

1. By the impugned order dated 23.09.2013 (Annexure – P/1), the petitioner's application under Section 18 of the Land Acquisition Act, 1894 (for brevity, 'Act') has been rejected by the Collector against which this writ petition has been preferred.
2. Learned counsel for the petitioner submits that the Collector has no jurisdiction to decide the question of quantum of compensation, it has to simply refer the matter to the Civil Court for determination and whether the amount of award is just fair and reasonable that jurisdiction lies with the District Court.
3. On the other hand, learned State counsel would support the order

impugned.

4. I have heard learned counsel for parties.

5. The jurisdiction of the Collector under Section 18 of the Act is to make reference to the Civil Court for determination of just and fair compensation. His jurisdiction is limited to see whether the application is within the period of limitation and whether he is aggrieved against the amount awarded under compensation. The correctness of the quantum of compensation cannot be decided by the Collector which the Collector has done in the impugned order, therefore, the order of the Collector is hereby set aside. The matter is remanded to the Collector for consideration afresh and to make reference in accordance with the Section 18 of the Act.

6. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge